

**Criminal No. 5:09-CR-349-D**  
**Civil No. 5:11-CV-632-D**

**V.**

## ORDER

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 28 day of November 2011.

  
JAMES C. DEVER III  
Chief United States District Judge